

TOWN OF ACTON ROAD ORDINANCE

Adopted at Town Meeting, June 13, 2003

Amended June 12, 2007

Amended June 22, 2019

Title:

This Ordinance shall be known and cited as the Road Ordinance of the Town of Acton, Maine, and hereafter will be referred to as "this ordinance".

A. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2 Section 1 of the Maine Constitution and the provisions of Title 30-A, MRSA Section 3001 (Home Rule).

B. Purposes

C. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

D. Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

E. Effective Date June 22, 2019

F. Definitions:

Town Way:

- 1) An area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle.
- 2) All town or county ways not discontinued or abandoned before July 19, 1976
- 3) All state and highways, or both, which shall be classified town ways as of July 1, 1982, or thereafter, pursuant to 23 M.R.S.A. 53.

Public Easement:

- 1) An easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976.

Fee Simple Interest:

- 1) An absolute and unqualified interest in the land at common law, with an interest that extends infinitely both above and below the surface of the earth, and includes mineral rights. The owner of a fee simple interest can use the land for any lawful purpose.

Easement Interest:

- 1) An interest that allows the public to travel over land owned by someone other than the municipality and allows the municipality to maintain the way.

Hammerhead Turnaround:

- 1) A "T" terminus to the road with a minimum extension to one side of 25' and a minimum total length of extensions to both sides of 100'.

G. Road Standards and Classifications:

1) Class A Roads:

All roads, whether public or private, constructed in the Town of Acton after the effective date of this ordinance shall be defined and constructed in compliance with current Town of Acton Subdivision Regulation Road Standards. Class A Roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance as a Town Way upon meeting the standards defined in the current Town of Acton Subdivision Regulations.:

2) Class B Roads: Private roads which are not subject to "General Provision" H(7) may be defined and reconstructed in compliance with the following standards for class B roads. Class B roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance as a Town Way.

- A) Minimum of 34 ft. wide right-of-way fully described with bounds and measurements and with fee simple interest title conveyed to the Town of Acton in the 20 ft. wide traveled portion of the right-of-way and an unconditional easement to the Town of Acton to be used for all purposes association with the construction, repair and maintenance of a Class B Town Way, as the same is defined or may be defined in this ordinance, said easement to extend 7ft.from each sideline of the 20ft. wide traveled portion of the right of way.
- B) 20' wide gravel or paved top course with 7' minimum sides for shoulders and drainage.
- C) 16" compacted gravel base.
- D) 3" finish crushed gravel (3/4' to 1 1/2").
- E) 100' hammerhead turnaround.
- F) Maximum grade of 8% in any 100 ft.
- G) 200' minimum tangent between curves on a reverse alignment.
- H) 34 ft. right-of-way shall be clear of trees, stumps, boulders, fences and any other hindrance to plowing and maintenance.
- I) Minimum culvert size of 12". The Code Enforcement Officer may require an alternate size culvert based on existing site conditions.
- J) Maximum 60,000 lbs GVW shall be permitted except when posted.
- K) Newly proposed roads that intersect with existing roads must intersect at a 90 degree angle.

3. Class C Roads:

Private roads which are not subject to "General Provision" H(7) may be defined and reconstructed in compliance with the following standards for Class C roads. Class C roads shall be deemed to meet standards necessary for consideration by the Town Meeting for acceptance of a Public Easement.

- A) Minimum of 20 ft. right-of-way shall be fully described with bounds and measurements.
- B) A public easement for turnarounds, as determined by the Road Committee and CEO must be provided.
- C) The Acton Road Commissioners may hold a public hearing and establish such other standards as deemed necessary and unique to the road.

H. General Provisions:

- 1) Existing Town Ways shall be deemed to meet the standards for class A roads.
- 2) Class A, B and C Roads:
 - A) Class A and B roads must discharge on to a Town Way or State Highway.
 - B) Class C roads are subject to H (2.a.) but may also discharge onto a Class C road.
 - C) Class C roads shall not be maintained for or deemed for passage by school buses.
- 3) Procedures for the Creation of Roads
 - A) The owner of land on which a road is to be created shall submit a petition to the Selectmen requesting the Annual Town Meeting to create a class A, B or C road. The petition shall be submitted at least three months prior to the annual Town Meeting. The petition shall include a plan, prepared by a registered land surveyor, describing the road . The petition shall be accompanied by a deed for the property described on the plan, conveying a fee simple interest for class A and B roads and a Public Easement interest for class C roads to the Town of Acton.
 - B) The Road Commissioner and an Engineer shall inspect the road to determine if the road meets the standards set forth in this ordinance and make an appropriate recommendation for action by the Town Meeting.
- 4) Maintenance of Roads
 - A) Town ways shall be provided winter and summer maintenance by the Town in accordance with the laws of the State of Maine.
 - B) Class C roads may receive summer maintenance funded by the Town. Funding for summer maintenance of Class C roads shall be established by the Town Meeting. The road commissioner shall determine the services provided to Class C roads.
 - C) Class C roads will receive no maintenance unless a waiver of all claims for damages by the Town within the right of way is received from all abutters to the road.
- 5) Road Commissioner Authority
 - A) The Road Commissioner shall have the authority to declare a snow removal emergency and:
 - I. Post roads to prohibit parking on Town Ways.
 - II. Order the removal of vehicle parked in Town Ways at the owner's expense.
 - B) The Road Commissioner shall have the authority to require the installation of culverts when new curb cuts are being constructed, at the owner's expense.
 - C) The Road Commissioner shall have the authority to order the removal of fill, debris, or construction in a Town Way at the owner's expense.
 - D) The Road Commissioner shall have the authority to prohibit any construction, excavation, or activities in a Town way which may substantially damage Town Ways.

- 6) Notwithstanding any provision of this ordinance or the Acton Zoning Ordinance, the division of any lot to create Class B or Class C roads as described in this ordinance shall not alter any right of the lot owner provided in the Acton Zoning Ordinance, Article 1, Section 1.4 Non-Conforming Uses.
- 7) Any approved or unapproved Subdivision roads constructed after the adoption of the "Planning Board Standards for Reviewing Land Subdivisions" dated October 30, 1972 must be brought to Class A standards to be eligible for consideration by the Town meeting for acceptance as a Town Way.

True Attested Copy, Amended at Annual Town Meeting 06/22/2019 - Jennifer Roux, Town Clerk